



JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

State of Utah  
Department of Commerce

## OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN

### Request for an Advisory Opinion:

Street Address:

160 East 300 South, Second Floor  
Salt Lake City, UT 84111

Mailing Address:

PO Box 146702  
Salt Lake City, UT 84114

(801) 530-6391  
1-877-882-4662 (Toll-free statewide)  
(801) 530-6338-Fax

**Person Requesting the Advisory Opinion:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email (if available) \_\_\_\_\_

The person making the Request is:

☐ Municipality ☐ Applicant ☐ Other (Specify) \_\_\_\_\_

**Property:** Where is the property located? (complete street address, if available)

\_\_\_\_\_

**Briefly state the question to be examined by this Advisory Opinion:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Facts:** Attach an additional sheet describing the facts involved in the issues that are the subject of this request. What action has been taken by the government entity or may be contemplated by the government entity that has given rise to the issues?

**Municipality or County Involved:**

\_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email (if available) \_\_\_\_\_

**Local Contact:** What official at that government entity should be contacted about this matter? (Provide title and contact information)

Telephone: \_\_\_\_\_ Email (if available) \_\_\_\_\_

**Name of Property Owner** as Shown at the County Recorder's Office. (Be sure to be specific and note exact name of trust, partnership, corporation, multiple owners, etc.)

\_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email (if available) \_\_\_\_\_

**Other Essential Parties** (attach additional sheets if necessary):

\_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email (if available) \_\_\_\_\_

**Issues:** An advisory opinion is requested for the issue(s) indicated:

- ☐ Impact Fees Act
- ☐ Application for a Conditional Use Permit.
- ☐ Conditions and exactions on development.
- ☐ Whether an applicant is entitled to approval of a land use application because the application conforms to the local land use maps, zoning maps, and land use ordinances.
- ☐ Whether a local government entity has imposed on the holder of an issued land use permit a requirement that is not expressed in the land use permit, documents on which the land use permit is based, the state land use statutes, or the local ordinances.
- ☐ Whether a local government entity has withheld issuance of a certificate of occupancy because of the applicant's failure to comply with a requirement that is not expressed in the land use permit, documents on which the land use permit is based, the state land use statutes, or the local ordinances.
- ☐ Whether a municipality is complying with the mandatory provisions of applicable land use ordinances.
- ☐ Review of land use applications within a reasonable time.
- ☐ Limits on fees for review and approving building plans.
- ☐ Nonconforming uses and noncomplying structures.

**Process:** At what stage is the local government entity in the process of reviewing this application or issue? Check all that apply:

- ☐ Staff or other local government officials are discussing the issue.
- ☐ A formal application has been filed and the staff is reviewing it.
- ☐ We have had a meeting before a planning commission.
- ☐ We have had a meeting before the city council, county commission, or county council.
- ☐ A final decision has been made by the final decision maker prior to an appeal.
- ☐ We are considering filing a local land use appeal from the final decision.
- ☐ We have filed an appeal but no hearing has been held.
- ☐ An appeals authority has announced a final decision, but has not reduced it to writing.
- ☐ The appeals authority has issued a final decision in writing.

**NOTE:** An advisory opinion cannot be requested after a local appeals authority has issued a final decision in writing. It cannot be requested if no one filed a necessary appeal before the deadline to file and the local decision is therefore final and cannot be appealed to an appeal authority or court. Those involved in requesting an advisory opinion must be sure to file timely appeals or the issues involved will be rendered moot. Please call the ombudsman for more information. Local government officials should also be knowledgeable about the deadlines and processes for filing appeals, but one should also verify what he or she is told by checking the ordinance.

**Who is to Provide the Opinion:** If applicable please provide the name(s) and address(es) of professionals who are acceptable to the person making the request and who could prepare the advisory opinion.

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email (if available) \_\_\_\_\_

As the person making this request, I hereby understand and agree as follows:

- ☐ The ombudsman's office will work to mediate a solution to this dispute in lieu of issuing an advisory opinion, but the opinion will be issued if the party requesting it prefers that the opinion be issued.
- ☐ If the ombudsman's office appoints a professional to provide the opinion, I will pay an equal share of the cost of professional services with the other parties to the dispute and provide financial assurances of the payment.
- ☐ If the ombudsman's office determines that the issue is not appropriate for an advisory opinion, then none will be provided.
- ☐ This form is to be completed and submitted to the Office of the Property Rights Ombudsman, along with application payment in the amount of **\$150.00**, made payable to the Office of the Property Rights Ombudsman. The fee paid to initiate this opinion is non-refundable.
- ☐ This form and all submissions accompanying this form will be considered a public record and provided to all other parties listed. If any party desires that any information provided to the ombudsman office be kept confidential, that party must notify the staff attorneys at the ombudsman office before providing such information.

I/we hereby request that the Office of the Property Rights Ombudsman provide mediation and/or arbitration of the matter(s) described in this request.

Date this form completed: \_\_\_\_\_

Signed:

\_\_\_\_\_  
Person making request